

REMARKS:

Claims 105, 107, 109-115, 117, 118 127-130, 133-156, 159, 162-166, 168, 169, 171, 172, 174, 175, 177, 178, 180-185 were pending in the application. Claims 152, 159, 182, and 185 have been amended. Claims 186-193 have been added. Accordingly, claims 105, 107, 109-115, 117, 118 127-130, 133-156, 159, 162-166, 168, 169, 171, 172, 174, 175, 177, 178, 180-193 are pending in this application.

Support for the amendments to claims 152, 159, 182, and 185 can be found at least at page 14, lines 19-27, of the originally-filed application. Support for newly added claims 186, 188, 190, and 192 can be found at least at page 11, lines 2-13, of the originally-filed specification. Support for newly added claims 187, 189, 191, and 193 can be found at least at page 4, lines 11-24; page 5, lines 19 to page 6, line 6; and page 11, lines 2-23, of the originally-filed specification.

Allowable Subject Matter

Claims 105, 107, 109-115, 117, 118, 127-130, 133-151, 168-169, 171-172, 174-175 and 177-178 are allowed. Applicant thanks the Examiner for consideration of these claims. Applicant notes that dependent claims 186-193 have been added in this response. These claims depend from independent claims 105, 115, 127, and 128, and are believed to be allowable at least by virtue of their dependency on allowed claims.

Examiner Interview

The undersigned and the Examiner conducted a telephone conference on February 16, 2010, regarding the pending § 103 rejections of claims 152, 159, and their dependents. No agreement was reached. The Examiner indicated that the currently allowed claims would remain allowable.

Section 103 Rejections

Two independent claims—152 and 159—remain rejected under § 103 as being unpatentable over Kouznetsov (U.S. Patent No. 6,973,577) in view of Chess et al. (U.S. Patent No. 6,772,346). Applicant disagrees with these rejections, at least for the reasons set forth in the

previous response. Nonetheless, in an effort to bring prosecution in the present case to a close, Applicant has amended claims 152 and 159 to include features similar to those found in the allowed claims. For example, claim 152 has been amended to recite “weight[ing] results of the first and second pluralities of detection routines,” “us[ing] the weighted results of the first plurality of detection routines to determine a first value indicative of the likelihood that the first program is valid code,” and “us[ing] the weighted results of the second plurality of detection routines to determine a second value indicative of the likelihood that the first program is malicious code.” Claim 159 has been amended in a similar manner. Applicant therefore submits that claims 152 and 159 (along with their dependent claims) are in condition for allowance for at least the reasons similar to those pertinent to the currently allowed claims. Applicant therefore respectfully requests removal of the § 103 rejections.

In the event that the rejected claims are not found to be allowable, the Examiner is requested to contact the undersigned if a reasonable Examiner’s Amendment would place these claims in condition for allowance.

CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6002-00602/DMM.

Respectfully submitted,

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